



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 1005 with Sponsor Amendments
Lisae C. Jordan, Executive Director & Counsel
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 1005 with Sponsor Amendments.

House Bill 1005 -- Reports of Child Abuse by Adult Survivors

This bill will create a form providing for alternative method of reporting child abuse, including child sexual abuse, when the victim is over 18.

MCASA appreciates this thoughtful approach to a very real problem that presents significant competing concerns. Adult survivors of child abuse, including child sexual abuse, often seek therapy and other support needed in the aftermath of abuse. Access to clinical services can be critical to long term mental health and recovery. Mental health services providers, including those at rape crisis centers, regularly encounter survivors who are reluctant to receive therapy or choose not to get help when they learn that their "confidential" counselor is a mandatory reporter who must report suspected child abuse or neglect to the government. In child sexual abuse cases, this involves both child protective services and law enforcement, coordinating pursuant to Family Law §5-706(g).

Mandatory reporting, however, is a cornerstone of child protection efforts in Maryland and across the country. Statutes create a complicated web of requirements for government to investigate and respond to child abuse. If people do not report suspected abuse, many children would be left without protection from further abuse. Maryland has criminalized mandatory reporters who fail to report abuse. This complicates treatment decisions when an adult patient asks that abuse not be reported: even when a clinician may believe delaying a report is necessary for treatment, they risk criminal exposure for failing to report.

The response of the State to delayed reporting makes this complicated situation even more difficult: many, even most, delayed reports do not result in any action. This leaves survivors of abuse feeling frustrated and betrayed. They have been forced to reveal information they felt was personal and were not ready to disclose and then nothing happens. On the other hand, some delayed reports do result in actions that protect vulnerable children and hold offenders accountable.

HB1005 helps provide some balance to these concerns with a small step forward: it requires a form to use with adult survivors. Critical to this process is gathering information about the survivor's preferences for investigation and future contact. MCASA fully supports this step. We support amendments to require that the form include a space for information regarding whether the abuser is known to have access to children currently, including clear indication that no investigation should be undertaken.

On page 3, in line 27, strike "AND" and in line 28, after "4." insert:

ANY INFORMATION REGARDING WHETHER AN INDIVIDUAL RESPONSIBLE FOR THE ABUSE OR NEGLECT HAS ACCESS TO ANY CHILD, PROVIDED THAT NO INVESTIGATION OR RESEARCH IS NEEDED TO OBTAIN THIS INFORMATION; AND

5.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 1005 with Sponsor Amendments**